

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WAYNE BLACK, #137192

Plaintiff,

V.

LAMAR GLOVER, et. al.,

Defendants.

CIVIL ACTION NO.: 1:03-CV-734-MEF

**MOTION FOR LEAVE TO FILE WITNESS LIST AND DOCUMENT
IDENTIFICATION FOR TRIAL OUT OF TIME**

COMES NOW, Defendants Sheriff Lamar Glover and Commander Walter Bowers and move this Honorable Court for leave and opportunity to file a Witness List and Document Identification out of time and in support thereof states as follows:

1. The deadline for exchanging witness lists and identifying documents for trial was August 23, 2006.
2. Neither plaintiff nor defendants have to date exchanged document identification.
3. That the undersigned mistakenly diaried the deadline for exchanging witness lists and documents to be used at trial for the same date diaried for the proposed pretrial order submission.
4. The names of all witnesses expected to testify and all documents proposed to be used at trial by defendants have previously been supplied to plaintiff with the defendants' Answer and Special Report as previously filed with this Court with copies provided to plaintiff.

5. The interest of justice and the presentation of the merits of this action at trial will be served by allowing the filing of said witness list and document identifications out of time and defendants assert that in the interest of justice.
6. Because said documentation was included in the Answer and Special Report heretofore filed, no prejudice to the plaintiff will result from said out of time filing.

WHEREFORE, Defendants Sheriff Lamar Glover and Commander Walter Bowers respectfully request this Honorable Court to grant said defendants leave to file a Witness List out of time.

Dated this 30th day of August, 2006.

Respectfully submitted,

\s\ Gary C. Sherrer

GARY C. SHERRER (SHE016)

Attorney for Above-Referenced Defendants

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CERTIFICATE OF SERVICE

I, Gary C. Sherrer, do hereby certify that I have served a copy of the foregoing upon

WAYNE BLACK, AIS #137192
C/O HOLMAN PRISON
HOLMAN 3700
ATMORE, AL 36503

by placing a copy of same in the United States Mail, postage prepaid and properly addressed
on this the 30th day of August, 2006.

\s\ Gary C. Sherrer
OF COUNSEL